

CITY OF ST. AUGUSTINE

Regular City Commission Meeting  
May 23, 2005

The City Commission met in a formal session Monday, May 23, 2005, at 5:00 p.m. in The Alcazar Room at City Hall. The meeting was called to order by Mayor George Gardner, and the following were present:

**1. Roll Call:**

George Gardner, Mayor/City Commissioner  
Susan Burk, Vice Mayor/City Commissioner  
Joe Boles, City Commissioner  
Donald A. Crichlow, City Commissioner  
Errol D. Jones, City Commissioner

William B. Harriss, City Manager  
James P. Wilson, City Attorney  
Martha V. (Nell) Porter, City Clerk  
Timothy A. Burchfield, Chief Administrative Officer  
John Regan, Chief Operations Officer  
Mark Knight, Director, Planning and Building Department  
Mark Litzinger, City Comptroller  
Robert Leetch, Director of Utilities  
William H. Harding, Director, Public Works  
Dr. William Adams, Director, Heritage Tourism  
Paul K. Williamson, Director, Public Affairs  
Loran Lueders, Chief of Police  
James Owens, Fire Chief  
Karen Rogers, Recording Secretary

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**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Father Terry Morgan, Cathedral Basilica, delivered the invocation and Commissioner Jones led the Pledge of Allegiance.

**3. ADMINISTRATIVE ITEMS**

**3.A/ Modification of Agenda**

Mayor Gardner announced that the applicant for Item 11.D.1., a PUD for 36 May Street, had requested that the matter be tabled until the June 27, 2005 meeting, because the applicant's attorney was out of town.

**MOTION**

**Commissioner Jones MOVED to table Item 11.D.1. (36 May Street) until the June 27, 2005 meeting. The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

Mayor Gardner recommended addressing the Citizenship Awards before Item 4. on the agenda.

**3.B/ Approval of Minutes**

The minutes of the regular City Commission meeting of May 9, 2005 were approved as presented.

### **3.C/ Proclamations**

(None Scheduled)

#### **4. General Public Presentations and Comments (3 minutes per presentation with maximum total time limit of 20 minutes).**

Theresa Segal, 126 Oneida Street, and President of "Save Our Bridge", delivered a brief parody presentation regarding the imagined travels of the lions from the Bridge of Lions, which were currently in storage until 2010 when the renovation of the bridge would be completed.

#### Rainbow Flags on Bridge of Lions

The following people spoke in support of flying the "Rainbow Flags" on the Bridge of Lions for Gay Pride Week:

- Sumner Gray, 144 Oviedo Street
- Vicki Walden, 111 E. 1<sup>st</sup> Street
- Aubrey Skillman, 58 M. L. King Avenue
- Reverend Ruth Jensen, First Coast Metropolitan Community Church
- Ed Slavin, P.O. Box 3084
- Lauren Bitting-Ellis, 166 Twine Street
- Swan Rubins, 85 ½ Doero Street
- Kat Vello, 8B Ewing Street
- David Thundershield Queen, 160 Fountain of Youth Boulevard
- Charlotte Ramsey, 317 Flagler Boulevard
- Michael Ellis, 168 M. L. King Avenue

Some of the comments made by the speakers were as follows:

- Historical significance for flying the flags had been established

- The Commission could not deny homosexual citizens their rights
- The KKK had historical significance; therefore, how would the City deny a request to fly their flag on the bridge
- The Commission could be a champion of Civil Rights or a champion of discrimination
- The first hate crime took place in St. Augustine; thereby, establishing historical significance
- Equal rights should be offered to all
- Gays and Lesbians stood up for Civil Rights in Montgomery, Selma, Albany, Georgia, St. Augustine and many other campaigns of the Civil Rights Movement
- A Gay French man was ordered killed secretly by the Spanish Governor Pedro Menendez in 1566
- Do not be a Commission of "What ifs" be a Commission of "What is"
- The Bridge of Lions was a public forum required by Federal Constitutional Law to be open without unconstitutional content restrictions
- The St. Augustine Gay Pride Committee had met all criteria and its application must be approved
- History taught that gay people had been in St. Augustine for 10,000 years and they were here to stay
- Francis Field was named for a gay man
- The course of the historic preservation was started by gay people
- The City Manager was homophobic
- The Commission should raise their level of acceptance
- The City would not approve flying the Rainbow Flags because of fear and bigotry
- Gay people were highly respected historically by most first nation communities of American Indians, their difference was considered a gift from the creator

- Gays and lesbians were one of us and the Commission should just allow the Rainbow Flags on the Bridge of Lions  
Commissioner Boles questioned the procedure regarding flags on the Bridge of Lions.

Mr. Harriss replied that the application for the Rainbow Flags as well as a party on Cuna Street had been made at the Public Affairs Office. He said that the City would close Cuna Street for the event, but the flag request was denied for lack of historical significance. He said he believed that the group was asking to appeal the decision to the Commission. He said that effectively it was the Commissioner's choice whether to take action.

Commissioner Burk stated that she would like to consider the situation an appeal of the application; therefore, it should be discussed. She said that her position was for free speech in a market place of ideas. She emphasized that it was the Commissioner's job to consider the "what ifs". She said that if the KKK wanted to fly a flag she would let them, because she was not afraid of ideas that she did not like. She suggested a community petition, and if there was enough support to fly the Rainbow Flags it would warrant consideration. She added that it was a celebration of an idea, and she thought the flags would be beautiful on the bridge. She said that she would rather not address the matter as an appeal of the existing Code. She concluded that she needed two more votes to allow the Rainbow Flags on the bridge.

Commissioner Jones stated that he did not believe Commissioner Burk realized that the request was to fly the rainbow flags for a week and not just a weekend.

Commissioner Burk suggested that they could address the matter.

Commissioner Jones said that if they got into a petition methodology there would have to be some sort of verification of the names and whether they were local.

Commissioner Burk said that the petition would have to be from registered voters of the City. She said that if there were 100 KKK members living in the City they should step up.

Commissioner Jones questioned whether citizens that were not of age to vote had a right to partake in a petition process. He said that he disagreed with the message as it related to the City and the historical properties. He stated emphatically that he would never agree to the message of the KKK, nor would he allow that type of message to be connected to the City of St. Augustine. He emphasized that the message mattered.

Commissioner Burk said that she would protest against flying KKK flags, but they would not apply to fly flags, because it was not a popular idea. She said the people wanting to fly the Rainbow Flags were not angry, mean or racists.

Commissioner Jones said the situation was like comparing apples and oranges, and approval for KKK flags would have to be over his dead body, as it was not yesterday.

Commissioner Boles said that it was obvious the Commission had discussed the matter prior to his term. He said that he had a more relaxed view of using the Bridge of Lions as a promotional device, such as the Lighthouse flew flags for their festival or the Flagler College flags. He pointed out that they were not simply celebrating those events they were promoting them. He said that he

thought they should make the venue available to the 501-C3 groups in the community. He said that the marketing side of his nature thought they should rent the bridge for flags. He suggested promulgating some criteria other than what existed, because the phrase historic significance was nebulous.

Commissioner Burk said that before they established the historic significant criteria Broward Yachts flew their flag for commercial promotion.

Mayor Gardner explained that the policy was for representation of a historic landmark or event in the City.

Commissioner Boles said that he did not have a whole lot to work with in the situation, but he suggested developing more criteria. He said that he did not want to table the current matter, because there was a time element regarding the request; moreover, if the law could not provide a remedy sometimes the law had to put up with the result. He said that for the short term he could approve the request, and then the Commission could develop criteria to address future requests. He questioned whether it was a request from a 501-C3 corporation, and he was informed that it was a church. He said that put the request into a religious category, and they had to be certain that every church in town would not make a request to fly flags. He called for advice.

Mr. Wilson said that basically it was the Commissioner's determination.

Commissioner Boles said that the City permitted the celebration on Cuna Street, and he saw no objection to allowing the request with the understanding that a future request might be denied.

Commissioner Burk pointed out that the group had jumped through hoops to meet the required criteria including the historic significance; therefore, based on that information she thought the application should be approved.

Commissioner Boles added that the policy had to be expanded into an informational format.

Commissioner Jones said that at times he was challenged to persuade the vote based on his background and history. He said that he intended to run as a Commissioner for all the people. He said that, for the record, St. Augustine had made the difference in the Civil Rights Bill, which was historically significant for all people. He said that if the event was held in the Plaza the group would be allowed to fly their flags around the Plaza, but the bayfront and bridge were limited. He said that 4-5 different flags were flown on the bridge throughout the year, because they fit into the defined category. He suggested that they would have to take action.

Mayor Gardner stated that he would continue to oppose the application for the same reason he opposed a constitutional amendment solely recognizing the union between a man and woman. He said that the government had gotten out-of-bounds with responsibility. He said that diversity and acceptance within the American society was what made America great. He said that the argument for flying the Rainbow Flags was wrapping a concept in a historic argument to make it fly. He stated that any government was charged with respecting individual rights while upholding the public good. He stated that government had to represent all the people; therefore, government had to tread a careful path and not fall to the side of individual causes. He said that

he could accept a petition of some kind, but based on his responsibility to the community the request pulled the Commission too far afield.

Commissioner Burk said that the Commission was charged with upholding the Constitution of the United States and not furthering a personal agenda.

#### **MOTION**

**Commissioner Burk MOVED to approve the application to fly the Rainbow Flags from June 6<sup>th</sup> through the 13<sup>th</sup>. Commissioner Boles SECONDED the motion.**

Commissioner Boles said that the existing criteria put the City Manager in a position of grading or rating whether an application had historic significance without providing a definition, and some requests would be obvious and some would not. He suggested not approving any other application until they provided the City Manager with some guidance, so they would not have to consider the issue again. He said that someone would make application on behalf of some organization with the primary goal of spreading dissent, hatred, bigotry and discrimination of all kinds. He pointed out that the American Civil Liberty Union defended the right of the KKK to march down the middle of the Jewish section of New York, just as it defended gay and lesbian rights to march where they wanted.

Commissioner Burk stated that it was called freedom.

Commissioner Boles agreed, and he said that it was called fairness. He stated that he did not want to approve any further applications until they established criteria.

**Commissioner Burk amended her motion according to Commissioner Boles' statement.**

Mayor Gardner clarified that the motion was amended that there would be no further applications outside of policy until the Commission had reevaluated and provided new criteria.

Mr. Harriss questioned whether that would eliminate the four organizations that were currently allowed to fly flags on the bridge under the existing policy.

Commissioner Burk questioned whether there were currently applications under consideration.

Mr. Harriss replied that he was not certain, but he did not think so.

Commissioner Burk stated that any applications could be brought before the Commission until they reached a resolution.

Commissioner Jones said that based on the motion all applications would fall under the new rules or be determined by the Commission.

#### **VOTE ON MOTION**

**AYES: Burk, Boles**

**NAYES: Crichlow, Jones, Gardner**

**MOTION FAILED 3/2**

Mr. Harriss said that he would appreciate any guidance the Commission could provide.

Commissioner Jones suggested that the matter be an agenda item or they schedule a workshop. He recommended scheduling a workshop as they had talked about one in the past, but they had never held one.

## **5. PRESENTATIONS AND STAFF REPORTS**

### **5.A/ Presentation of Citizenship Awards.**<sup>1</sup>

Paul K. Williamson, Director, Public Affairs reported that the City Commission awarded citizenship awards annually to an outstanding student from each of the county's six high schools. He explained that the nominees were chosen by organizations within the high schools, and the school administration made the final decision. He invited each student forward to receive their plaque, City lapel pin and check for \$100 to help with the cost involved with their education. The student's names were as follows:

- Erik Sander, Allen D. Nease H.S.
- Cole Slate, Bartram Trail H.S.
- Roman "Rusty" Nowrocki, Florida School for the Deaf and Blind
- Julie Pravin Patel, Pedro Menendez H.S.
- Amanda LeBlanc, St. Augustine H. S.
- Carrie Lynn Conrad, St. Joseph Academy<sup>2</sup>

### **5.B/ Presentation by William R. Adams, Director of Heritage Tourism, regarding an alternative site location for the National Park Service's orientation/education center.**

Dr. William Adams, Director, Heritage Tourism, said that in the next month the National Park Service would issue alternatives for the location of their orientation center for the Castillo de San Marcos, and invite public comment. He said that he would like to continue negotiations for the location of the center at a mutually beneficial site to the Castillo, the City of St. Augustine and the Heritage Tourism program. He said

that Gordy Wilson had been before the Commission a couple of months earlier explaining their various alternatives, which would not allow the park service to acquire additional properties; therefore, they could only contemplate sites on National Park Service property.

Dr. Adams referred to a displayed map and made a proposal that the center be located within block seven of the City on property that was jointly owned by the City and the State. He explained that from a historical perspective the sites that the park service currently proposed were not conducive to history or historic preservation in the City. He said that any of the sites proposed by the park service would be intrusive to the interpretation and the visual appeal of the Castillo. He said that if the center was located in Block seven it would allow the park service to remove their parking lot and replace the sloping field of grass, which would be a better visual affect to the Castillo, while simultaneously helping the City fill the new parking garage.

Dr. Adams said that using the proposed location would allow the City to pursue the long dreamed of common interpretive program between the Colonial Spanish Quarter Museum and the Castillo. He added that it was not a new proposal, as in 1978 the Castillo displayed interest in the possibility of locating the center across the street on property that was not owned by the park service. He said that the City's acquisition of the Mary Peck property allowed them to contemplate the proposal. He said that he was not asking for the donation of property at that time but for the permission to negotiate with the state of Florida and the National Park Service toward that particular end.

<sup>1</sup> Item 5.A. was heard before Item 4.

<sup>2</sup> A brief recess from 6:10 until 6:17 p.m.

Dr. Adams said Superintendent Wilson believed that the site would be best for the center. He said that a year earlier the President of the United States signed legislation that would allow the proposal, and he read section 103 of H.R. 2457. He added that a lot of work had gone into the proposal.

Mayor Gardner clarified that the Secretary had authorized the purchase of property with federal funds.

Dr. Adams replied that the legislation authorized the proposal; however, current administration policy was against appropriation of funds or asking Congress for funds to acquire land for the proposal. He referred to the map and indicated the location of the property for lease or donation.

Mayor Gardner said that ideally they would want to convince the state to add some of their land to the site.

Dr. Adams indicated that the appropriate people had been advised.

Commissioner Crichlow stated that an imposing structure for a center on the Castillo property would be detrimental to the monument, and he expressed support for the proposal.

Mayor Gardner questioned whether they would be able to collaborate with the Castillo for admission tickets.

Dr. Adams replied that there had been discussion regarding common tickets, and the legislation provided for that type of exchange.

Mr. Harris assured the Mayor the matter would be part of the negotiations, which was why they needed the Commission's blessing to move forward, and if they could not negotiate an appropriate deal

they would return to the Commission. He said that local opinion also supported the proposal, but they still required the ranger's approval.

Commissioner Jones recommended moving forward on the proposal.

#### **MOTION**

**Commissioner Crichlow MOVED to give a vote of confidence in support of the proposed effort. The motion was SECONDED by Commissioner Boles and approved by UNANIMOUS VOICE VOTE.**

Mayor Gardner recommended that they change the name of the Spanish Quarter Museum to the Spanish Quarter. He suggested that the word museum had a deadening affect.

Commissioner Crichlow pointed out that Dr. Adam's proposal would affect the dynamics of a marketing plan, but they should still proceed with a RFQ for a marketing firm and get them on board.

Commissioner Boles said that his idea of having someone evaluate the operation was to review the product that they were selling. He said he had no doubt that a collaboration with the fort would increase the City's percentages, but the City wanted repeat visitors, which was where a marketing plan could prove beneficial.

#### **6. ITEMS BY CITY ATTORNEY**

##### **6.A/ Discussion regarding Charter Amendment.**

James P. Wilson, City Attorney, said that the Commission had requested that he prepare a resolution for referendum that would change the way the Mayor was elected to designate Commission seat three as the Mayoral seat. He said that

there were time constraints should they put the matter on special election, and they were currently a little early. He explained that changing the charter would have to be through referendum, and they would need four votes of the Commission to place the matter before the voters. He said the matter was before the Commission for discussion.

Commissioner Boles said that it looked like the amendment contained three lines describing the current method for electing the Mayor. He questioned the necessity of describing the old process. He suggested that the description made it more confusing. He continued that the existing method was being reviewed because it was confusing and attempting to describe that method would add confusion to the matter.

Mr. Wilson stated that he would examine the situation and see whether he could simplify the amendment.

Commissioner Boles suggested that they could simply say, *Shall the Charter of the City of St. Augustine be changed by eliminating the existing method of electing the Mayor and establishing a new method by designating City Commission seat three etc.* He said that they could deal with the wording in the charter, but he wanted a clear message for the public, and describing the old method would be confusing.

Mr. Wilson stated that he would to revise the actual charter language, and make a summary of what the public would be voting on. He added that he was open to how it would be written, but he really needed to know what the Commission wanted to do.

Commissioner Jones clarified that Mr. Wilson would proceed with simplifying the language, because they had time

before the election, but they would have to approve a referendum within a certain time period of an election.

Mr. Wilson stated that he was more concerned about exactly what the Commissioners wanted to do, and when that was clear he would make the language suit their desire.

Commissioner Jones referred to the item and said it was his understanding that was what they wanted to do, but they wanted to make it clear for the voters to understand.

Mr. Wilson said that the charter question would be a summary of the charter changes, and he would make the necessary changes.

#### **MOTION**

**Commissioner Jones MOVED to accept the proposed Charter amendment question understanding that the language would be amended to be simpler as stated. Mayor Gardner SECONDED the motion.**

Commissioner Crichlow questioned what they were voting for.

Mr. Wilson said that approval would bring the matter before the Commission for public hearing in a formal forum.

Commissioner Boles said that the Commission had already voted to make seat three a two-year seat with two-year Mayor service.

Mayor Gardner clarified that they had cast a general vote to prepare the language.

Commissioner Boles said that they were casting a specific vote for seat three as the Mayoral seat for two-years.

Commissioner Jones questioned whether the matter required four votes after the public hearing, and the response was affirmative.

Mr. Wilson stated that he would provide the changes to the Commissioners over the next couple of months and develop a form to be heard within the appropriate timeline. <sup>3</sup>

**VOTE ON MOTION**

**AYES: Jones, Gardner, Crichlow, Boles**

**NAYES: Burk**

**MOTION CARRIED 4/1**

**ITEMS BY CITY CLERK**

**7. A/ Notification of Proclamations.**

- 2005-21 Certificate of Recognition – Submarine Group 10, Kings Bay Georgia.
- 2005-23 Proclaiming June 5 -11, 2005 as National Garden Week.

**7.B/ Consideration of one appointment to the Code Enforcement Adjustments and Appeals Board.**

The City Clerk reported that she had received three applications as follows:

1. Joe Eubanks, 164 Twine St.
2. Sheldon A. Smith, 123 M.L. King Ave.
3. Patricia B. Reilly, 58 Carrera St.

The Commissioners voted by written ballot and appointed Patricia Reilly.

**8. ITEMS BY CITY MANAGER (Includes Consent Agenda – noted with an asterisk)**

**8. A. / Consent Agenda**

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<sup>3</sup> End of audio tape one

**8.A.1/ Preview of upcoming Commission Meetings.**

**8.A.2/ Release of Liens on Unit Connection Fee Mortgages.**

**8.A.3/ Notification of a vacancy on the Planning and Zoning Board.**

**8.A.4/ Declaring Property at 119 De Haven Street as Surplus and Authorizing Staff to Solicit Bids for Purchase.**

Mr. Harriss suggested removing Item 8.A.4. for discussion. He clarified that Harvey Simms was resigning from the Planning and Zoning Board.

**MOTION**

**Commissioner Boles MOVED to approve Items 8.A.1. through 8.A.3. on the Consent Agenda. The motion was SECONDED by Mayor Gardner and approved by UNANIMOUS VOICE VOTE.**

**8.A.4/ Declaring Property at 119 De Haven Street as Surplus and Authorizing Staff to Solicit Bids for Purchase.**

Timothy A. Burchfield, Chief Administrative Officer, reported that in 2002 staff had approached the Commission regarding three properties located in Lincolnville. He said that one of those properties was 119 De Haven Street, and initially the Commission instructed staff to get appraisals for the properties and seek bids for the three parcels with the understanding that the parcels had to be combined with adjacent properties. He said that the property owners had to agree, by deed restriction, that the property was combined with their property, and only one house could be built on the combined two lots. He said that they

had sold two parcels, but they had not received a bid for 119 De Haven Street.

Mr. Burchfield stated that recently an adjacent property owner had expressed interest in buying the property; therefore, he was before the Commission for their declaration that it was surplus property and to reissue bids. He said that the Commission had the authority to change the parameters on how the City would sell the property. He clarified that the lot was nonconforming, but it was buildable.

Commissioner Burk questioned whether the Commission had the option to make the lot a pocket park.

Mr. Harriss replied that technically it was currently a pocket park.

Commissioner Burk pointed out that the amount of money the City would receive for the property would be minimal.

Commissioner Jones interjected his disagreement with the Commissioner's statement.

Mr. Burchfield clarified that lots of that size were currently selling for \$20,000.

Commissioner Burk said that it was worth \$20,000 if sold as a buildable lot, but they would not receive that much money for a side yard.

Mr. Burchfield said that an adjacent lot would lose approximately 50% of the value.

Commissioner Boles said that they were talking about five times the neighborhood association grant, and he suggested that the funds could be added to the grant fund.

Mayor Gardner recommended getting an appraisal and marketing the property with the restriction that the construction be no higher than two story or 27-feet and put the proceeds in a special revolving fund for purchase and resale of properties that would have restrictions. He added that the market had changed.

Mr. Burchfield said that in 2002 the property had been appraised at \$25,000. Commissioner Burk suggested that if they were not going to keep it as green space they should sell it to the neighboring property owners in order to keep it as green space.

Mayor Gardner noted that the street had a couple of two story houses on one side of the street and primarily one story homes on the other side of the street. He added that the neighborhood had a mix of size.

Commissioner Jones corrected that the street had five two story homes.

Mr. Burchfield said he believed that the adjacent property owner owned a vacant lot next his property; therefore, he would probably want to build a structure on both lots.

Commissioner Burk questioned whether there were three adjacent property owners.

Mr. Burchfield replied that there were at least three adjacent property owners, if not four.

Commissioner Burk pointed out that all of the adjacent property owners could buy a piece of the lot.

Mr. Harriss replied that they could bid on it, but the Commission would have to decide the parameters.

## MOTION

**Commissioner Boles MOVED to authorize the City to get an appraisal, sell to an adjacent property owner through a sealed bid at the appraisal price, and restrict the property to remain attached to the adjacent property owner's property with a one home restriction.**

Commissioner Jones said the one home would be the existing structure, but the existing home could be torn down to build a new home using both lots.

Commissioner Crichlow suggested that they consider whether the proceeds would go into a revolving fund, because he liked that idea, and he suggested that they limit the height to match the adjacent structures.

A brief discussion resulted regarding height restrictions.

Commissioner Boles stated that his motion did not contain a height restriction, because the houses in the area would dictate the height.

Commissioner Crichlow said that would be true if they included that intention in the motion.

Commissioner Boles stated that he did not want to restrict the height because it would amount to spot zoning, which was not good.

## **MOTION FAILED FOR LACK OF A SECOND.**

Mayor Gardner said he would like that Commission to develop a revolving fund to address falling down homes and dilapidated properties and then develop the properties for work force housing. He clarified that he was not referring to

affordable housing as affordable housing cost \$140,000 and more, but housing for people that were the backbone of the tourism industry and had an annual income of \$16-17,000.

Commissioner Boles stated that they could do that, as the Commission would determine what the money would be spent on. He suggested that it was a moot issue.

Mayor Gardner stated that he could not support Commissioner Boles' motion, because the restriction to sell to adjacent property owners would cut the value of the property in half.

Commissioner Burk expressed surprise because in the recent past people were interested in pocket parks and designated green space.

Mayor Gardner said that he would rather get the money first and do the shopping later.

Commissioner Burk pointed out that there was limited space left for parks in the City.

## MOTION

**Commissioner Burk MOVED to make the property a pocket park for use of the citizens of St. Augustine. The motion was SECONDED by Commissioner Crichlow.**

Commissioner Jones stated that he grew up on De Haven Street, and he was also familiar with the condition for some residents in Lincolnville when it came to finding adequate housing. He said if he could be assured that the property would go to a family for affordable housing it would be ideal, but he knew that was not possible. He said that if the property was going on the market he wanted to

get maximum dollars for it and use those dollars for a fund to save some of the homes scheduled for demolition. He said that the property was prime, and the prices on property in the area were high. He suggested putting the property on the market without a limit of who could bid on it. He suggested getting an appraisal and after deciding the buildable value etc. continue the discussion.

Mr. Harriss said that the City had gotten a verbal appraisal for \$100,000.

Commissioner Jones noted that Lincolnville had been revitalized, and new homeowners had moved in. He said that he was looking for dollars to assist the elderly and other residents in the area; therefore, he wanted to ask top dollar and get as much money as possible for the property, but he would like any structure on it to be single family.

**VOTE ON MOTION**

**AYES: Burk, Crichlow**

**NAYES: Boles, Jones, Gardner**

**MOTION FAILED 3/2**

Commissioner Boles said the lot in question was a decent size; therefore, he would support a 27-foot height restriction if they were going to sell the property to the highest bidder for a single family home. He said that would cure some ills that he was more interested in than potential spot zoning.

**MOTION**

**Commissioner Boles MOVED to get an appraisal, put the property on the market as a buildable lot, sell to highest bidder and restrict the height to 27-feet.**

Commissioner Jones questioned whether 27-feet would allow for a two story structure.

Commissioner Crichlow said that a two story home could be built in 27-feet, but it would not allow for a pitched roof like a Victorian.

Commissioner Jones questioned whether he was familiar with the other two-story structures on the street, and the response was negative. He said that they were Victorians, and that was why he did not want to restrict the height.

Commissioner Crichlow said that he would be willing to go along with saying something like a structure would be no taller than the existing structures.

Mayor Gardner said that they were discussing something that would go into a contract that would go before the Commission again in the future.

Mr. Harriss stated that they needed to know how to advertise the property. He clarified that the height would be limited to no higher than the existing houses on the street.

Mayor Gardner questioned whether the lot was buildable without going before a board, and the response was affirmative.

A discussion erupted regarding the designation of proceeds, and it was impossible to determine the outcome.

**The motion was SECONDED by Mayor Gardner.**

**VOTE ON MOTION**

**AYES: Boles, Gardner, Jones,  
Crichlow**

**NAYES: Burk**

**MOTION CARRIED 4/1**

## **8. B/ Discussion Items**

(None Scheduled)

## **9. ITEMS BY THE MAYOR AND COMMISSIONERS**

### Commissioner Boles – Florida Trust for Historic Preservation

Commissioner Boles reported that the Florida Trust for Historic Preservation had asked whether the City would be interested in hosting their 2006 meeting. He stated that the traditional method of approving the request was through a contribution toward the expenses involved, which was generally in the amount of \$10,000. He added that they would be buying good will.

Commissioner Jones questioned whether they could turn to the Chamber of Commerce and other local groups to help assist with the funding.

Mr. Harriss said that it was his understanding that the trust would be asking for a lot more than \$10,000 from other sponsors

Dr. Adams stated that the cost of the conference was approximately \$100,000 each year, and they sought assistance throughout the community and state. He said the conference was one of two ways in which the trust raised money to support its activities. He explained that the trust was the only organized lobbyist in the state on behalf of historic preservation funding and grants from the State Legislature. He estimated that the City of St. Augustine had received its fair share of grants; for example his department was going to receive \$300,000 on July 1<sup>st</sup>. and other entities throughout the City would receive funds putting the City's total in excess of \$1 million. He said that the trust was the

only organization in the state that lobbied the legislature. He stated that Pensacola had been the original site for the conference; however, due to the hurricanes of 2004 St. Augustine had been suggested as an alternate venue.

Commissioner Jones questioned when the conference would be held.

Dr. Adams said that it would be the third week of May, 2006.

Commissioner Crichlow agreed that the trust was a great friend of the City of St. Augustine and had been for a long time. He said that it would be a feather in the City's cap to host the event, and stated that he supported the proposal. He questioned whether the City had ever hosted the event before.

Dr. Adams replied that the City had hosted the event in 1995. He said that they had recently had a conference in Coral Gables and approximately 350 people had attended. He said the most highly attended conference had been in Jacksonville three years earlier when 450 people attended. He said it was anticipated that because St. Augustine was a popular destination the attendance for 2006 would be approximately 400 people.

Mayor Gardner suggested that they could apply for TDC funding.

Dr. Adams agreed that they would seek TDC funding as soon as possible.

## **MOTION**

**Commissioner Jones MOVED to extend an invitation to the Florida Trust for Historic Preservation for (their) 2006 (conference).**

Commissioner Burk added that they would approve the funds.

**The motion was SECONDED by Commissioner Burk and approved by UNANIMOUS VOICE VOTE.**

#### Mooring Fields

Commissioner Boles said that he and Mr. Regan would be meeting with the Sea Grant representatives from the University of Florida to get basic information regarding mooring fields.

John Regan, Chief Operations Officer, reported that the University of Florida assisted communities throughout Florida to set up mooring fields through Sea Grants and the Center for Governmental Responsibility, which was part of the University Law School. He said that they had extended an offer to the City and Port and Waterway Authority to conduct an informational workshop to educate the community about mooring fields and how other communities had handled the matter. He added that the school had been involved with most of the mooring fields in Florida. He said that they had the option of a number of different meetings, but they were targeting for the third week in June, and staff would work with the Commissioners and their calendars.

Commissioner Boles expressed concern that if they all attended they would not be able to have a discussion.

Mr. Harriss stated that it would be an advertised workshop; therefore, they could have a discussion, but they could not take any action. He suggested a casual forum, and if they wanted to hear public comment it was their prerogative; however, they might want to listen and formulate their positions before receiving public comment.

Mayor Gardner stated that the mooring fields could prove to be a hot issue, and he wondered whether attendance would compare to the Aggregation Ordinance meeting when there had not been enough room for the public.

Mr. Harriss stated that he would have the Flagler College Auditorium available if necessary.

A brief discussion determined that it would be an advertised workshop, but not an advertised public hearing.

Commissioner Boles agreed that it would be a hot issue, as all that he was hearing were complaints about the matter.

Mayor Gardner suggested scheduling the workshop when the meeting could be aired live on TV.

Commissioner Crichlow said that once they had the workshop he would hope they could initiate some action jointly with the Port and Waterway Authority.

Mr. Regan reiterated that he would target the third or last week of June for the meeting. He said that the joint workshop would build support for the initiative, and they needed to begin with a group that could frame the issues for the community.

#### Commissioner Jones – Schools Out

Commissioner Jones reminded the public that school was out and they needed to watch out for the little ones.

#### Commissioner Crichlow – Bingo

Commissioner Crichlow acknowledged the Mayor's birthday. He announced that St. Johns County recently passed an ordinance that tightened the

restrictions on *for profit* bingo, which was long over due. He stated that he would like to see the City draft a comparable ordinance, but he would actually like to see the City ordinance go further requiring that anyone working bingo for a charitable organization would not be compensated in any way. He explained that for 30-years the Knights of Columbus had maximized the money they donated to charity with the help of volunteers. He said that the bingo profit supported the hall, but the rest went to charity.

Commissioner Boles suggested that they increase the jackpot and number of payoffs in the City, require that all the profits go to charity and drive the bingo players out of town.

Commissioner Crichlow pointed out that the state had restrictions on the number of jackpots that could be awarded in a day.

Commissioner Boles questioned why the County had to do anything if the state had a cap.

Commissioner Crichlow replied because no one cracked down on them, and he emphasized that the number was three a day.

Commissioner Burk pointed out that the City would not have to draft an ordinance; they need only enforce the State Statute.

Mr. Wilson said that he would research the matter.

Commissioner Crichlow stated that the law had been on the books for 15-20 years, but it had not stopped the situation; therefore, something had to be done.

Mayor Gardner noted that bingo was killing the Elk's Club.

Commissioner Crichlow stated that if bingo was run correctly for charitable purposes there would be no problem.

Mr. Harriss stated that enforcement of the state law was the problem; therefore, the County had crafted an easier method of enforcement.

#### Mayor Gardner – Notre Dame

Mayor Gardner acknowledged the Notre Dame School of Architecture students for their presentation.

#### Visitor Information Center

Mayor Gardner reported that Glenda Hood, Secretary of State, had notified him that the VIC had been officially listed in the National Register of Historic Places on April 21, 2005.

#### Anastasia Park

Mayor Gardner said that the grant writer preparing the documentation for a grant for Anastasia Park had requested that they get a letter of endorsement from the School District of R. B. Hunt in order to increase points. He said that amending the Comp Plan was a cumbersome procedure, as the next regular period for amendment was 2008.

Mr. Harriss said that there were two ways to amend the Comp Plan, and if one were to do so immediately it could be done in June and December. He explained that they would accept intent by the Commission not to develop the property in any other way and place the park on the Comp Plan designated as a park. He said that the Commission could vote to put it in the Comp Plan

until they finally got around to doing it, but they needed to officially designate it.

**MOTION**

**Mayor Gardner MOVED to designate the property as park land as far as the Comp Plan was concerned and amend the Comp Plan at the next available time. The motion was SECONDED by Commissioner Jones and approved by UNANIMOUS VOICE VOTE.**

St. Augustine Trust for Historic Preservation

Mayor Gardner stated that he agreed with the Record's recent article on demolition, in which they asked where the City's leadership was in regards to preservation. He said that preservation was the City's responsibility. He said that the Record believed that there were private dollars available to augment tax revenues for preservation that the City must pursue. He said that the St. Augustine Trust for Historic Preservation was created by the City Commission as a fund raising arm for the Department of Heritage Tourism, and the trust was a focal point for contributions and grant writing. Therefore, he said it was time for all members of the community to pull together, and he contributed a personal check in the amount of \$1,000 to the trust and invited the Commissioners and the St. Augustine Record to join him and set an example for the community.

**10. Appeals and Public Hearings**

(None Scheduled)

**11. RESOLUTIONS AND ORDINANCES  
(To include public hearing)**

**11.A/ Resolutions**

(None Scheduled)

**11.B/ Ordinances - First Reading**

**11.B.1/ Consideration of a Petition for Voluntary Annexation of property located on the north side of Live Oak Street.**

Mark Knight, Director, Planning and Building Department, stated that the petition and subsequent three ordinances were for two lots located on Live Oak Street. He explained that the first lot was half inside and half outside the City; therefore, to develop the first lot they had to annex the property. He said that the applicant had requested annexing the entire piece of property in order to subdivide it into three lots in conjunction with rezoning to RS-2 with a designation of Residential Low Density, which was consistent with the surrounding properties. He said that concern was raised regarding the configuration of the lots meeting the Code for zoning. He explained that there was a requirement of 5,450 square feet per lot in RS-2 zoning and the applicant could get two 5,000 square foot and one 6,000 square foot rectangular lots, but to get three lots the applicant had to offset the configuration.

Commissioner Crichlow pointed out that the applicant had to take an awkward piece of lot off of the larger lot to comply. He recommended a PUD allowing the applicant to make the lots conforming in shape, plus the Commission could add a restriction that construction would be one story single family dwellings, because the neighborhood consisted of one story houses. He said that the applicant had indicated that he would be willing to accept the recommendation; moreover, it would be good for the neighborhood.

A brief discussion commenced, and it was determined that they could table two of the ordinances and not take action until the substitute ordinance went before the Commission.

Joe Tringali, 354 Marsh Point Circle, stated that he was willing to work with the Commission any way that was possible. He said that he had no problem with restricting the height, as he intended on constructing 1,150 square foot one story single family dwellings with a single car garage.

Commissioner Crichlow said that it was low income housing.

Mayor Gardner questioned the price range and he was informed \$130,000 to \$145,000.

Commissioner Jones said that they could accept the petition, vote on the annexation and table the other ordinances.

**MOTION**

**Commissioner Jones MOVED to accept the petition. The motion was SECONDED by Commissioner Crichlow and approved by UNANIMOUS VOICE VOTE.**

**11.B.1.a/ Introduction and consideration of Ordinance 2005-09, concerning Voluntary Annexation of Property located on the north side of Live Oak Street.**

**MOTION**

**Commissioner Jones MOVED to place Ordinance 2005-09 on first reading, read by title only and approved. Commissioner Crichlow SECONDED the motion.**

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2005-09**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, ANNEXING APPROXIMATELY 0.38 ACRES OF PROPERTY IN ST. JOHNS COUNTY, FLORIDA, LYING ON THE NORTH SIDE OF LIVE OAK STREET, WEST OF S. WHITNEY STREET, AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.08 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA, AND WITH THE DEPARTMENT OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Knight questioned whether the Commission wanted the matter to be a PUD and to identify rectangular lots, and the response was affirmative.

Mayor Gardner clarified that Ordinances 2005-10 and 2005-11 would be tabled until the June 13, 2005 meeting.

**MOTION APPROVED BY UNANIMOUS VOICE VOTE.**

**11.B.2/ Introduction and consideration of Ordinance 2005-10, designating property located on the north side of Live Oak Street as Residential Low Density.**

(Tabled)

**11.B.3/ Introduction and consideration of Ordinance 2005-11,**

**designating property located on the north side of Live Oak Street as Residential Single-Family-Two (RS-2).**

(Tabled)

**11.B.4/ Introduction and consideration of Ordinance 2005-12, reclassifying City owned property located at W. King Street and Elkton Lane from Commercial Medium Intensity to Public/Semi-Public.**

Mr. Knight reported that Ordinances 2005-12 and 2005-13 related to property the City recently obtained on West King Street across from the water plant. He said that they wanted the property to add on to the Public Works, Utilities and Fleet Maintenance operation and provide access to King Street. He explained that currently the property was zoned CM-2 and Ordinance 2005-12 changed the land use designation to Public Semi Public, and Ordinance 2005-13 changed the zoning designation from CM-2 to Government Use.

Mayor Gardner mentioned that one of the buildings that had been moved off the property was currently on the demolition threatened list.

Mr. Harriss replied that he had no idea why it was done that way.

Commissioner Jones stated that the list for demolition was not accurate.

Commissioner Boles said they were not referring the official City list.

Commissioner Jones said that the list was for applications that might have been made sometime earlier. He assured the public that the City was not tearing down any structures.

**MOTION**

**Commissioner Crichlow MOVED that Ordinance 2005-12 be placed on the first reading, read by title only and passed. Mayor Gardner SECONDED the motion.**

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2005-12**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING THE CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN, FUTURE LAND USE MAP, TO RECLASSIFY A PARCEL OF LAND LOCATED AT THE INTERSECTION OF W. KING STREET AND ELKTON LANE, CONTAINING APPROXIMATELY 1.3 ACRES IN THE CITY OF ST. AUGUSTINE, FROM COMMERCIAL MEDIUM INTENSITY TO PUBLIC/SEMI-PUBLIC; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.**

**11.B.5/ Introduction and consideration of Ordinance 2005-13, rezoning City owned property located at W. King Street and Elkton Lane from Commercial Medium-Two (CM-2) to Government Use (GU).**

**MOTION**

**Commissioner Crichlow MOVED that Ordinance 2005-13 be placed on the first reading, read by title only and passed. Mayor Gardner SECONDED the motion.**

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2005-13**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, REZONING

PROPERTY LOCATED AT THE INTERSECTION OF W. KING STREET AND ELKTON LANE, CONTAINING APPROXIMATELY 1.3 ACRES IN THE CITY OF ST. AUGUSTINE, AND MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF COMMERCIAL MEDIUM-TWO (CM-2) TO THE CLASSIFICATION OF GOVERNMENT USE (GU); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

**MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.**

**11.B.6/ Introduction and consideration of Ordinance 2005-14, relating to Pensions and Retirement for the Professional Firefighters of St. Augustine, Local 2282.**

Mr. Burchfield reported that the ordinance was the result of the negotiated settlement with the Firefighters to modify their pension ordinance.

Mr. Harriss explained that the ordinance was according to the agreement that the Commission had already approved.

Mr. Burchfield said that it included an increase to the multiplier, allowance for a Drop Plan, allowance for buy back of certain fire service with another department and a 25-years-and-out provision.

**MOTION**

**Commissioner Crichlow MOVED that Ordinance 2005-14 be placed on the first reading, read by title only and passed. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2005-14**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE V, FIREFIGHTERS' PENSION TRUST FUND, OF THE CODE OF ORDINANCES OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-191, DEFINITIONS, REVISING THE DEFINITION OF "CREDITED SERVICE" TO INCLUDE A PROVISION FOR THE PURCHASE OF CERTAIN MILITARY AND PRIOR SERVICE AS A FIREFIGHTER; AMENDING SECTION 20-196, BENEFIT AMOUNTS AND ELIGIBILITY, PROVIDING FOR NORMAL RETIREMENT AFTER TWENTY-FIVE YEARS OF SERVICE AND PROVIDING FOR AN INCREASED MULTIPLIER; CREATING A NEW SECTION 20-215, PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF ORDINANCES OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

**MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.**

**11.B.7/ Introduction and consideration of Ordinance 2005-15, relating to residency requirements to serve on the Historic Architectural Review Board (HARB).**

Mr. Wilson said that the ordinance was drafted to correct the qualifications set forth in the Code and open the board to applicants that lived outside of City limits, if they had particular experience or knowledge, and he read the revisions.

A brief discussion ensued regarding the changes.

Commissioner Burk stated that she had already voiced her opposition to non-residents serving on HARB. She suggested that there were enough qualified citizens living in the City, and in fact they were getting more qualified all the time; moreover, they should be the citizens appointed to the board.

Commissioner Crichlow stated that he had always been in support of residents filling the boards and making the decisions for the City. However, he said that sometimes he worried when, due to a lack of interest, boards that were critical to the historic City's future were filled with people without the expertise to make the correct decisions. He questioned what was more important, people with the expertise and education that were capable of determining and interpreting the historical character of the City or people less qualified that were residents of the City. He said that the idea of the boards filled with people that could not make the right decision bothered him. He agreed that it was a tough decision and preference should be given to residents of the City, but when there were no qualified applicants it concerned him. He stated that being on the boards could not be limited to the desire to serve; the applicants had to have the background and credentials to make the right decisions. He stated that he attended every one of the boards meetings, and he witnessed some board members that did not know what they were there for. He emphasized that the quality and competence of the boards was important, and to appoint people just because they were residents and wanted be on a board was a real problem.

Mayor Gardner stated that when he and Commissioner Crichlow served on the PZB the first question they asked was what the impact would be on the neighborhood. He said that HARB was a specialized board for a sensitive element of the City and it was not a casual thing, and he compared it to the medical profession. He said that the City was unique and needed top notch attention. He said that if there were qualified residents he would certainly vote for them, and he hoped that they applied for the boards.

Commissioner Boles agreed with the Mayor. He said that he trusted the Commission to evaluate whether individuals would add value to the process based on their qualifications.

Commissioner Crichlow pointed out that in the past people were not so much against a non-resident serving on the boards; it was more the fact that the Commissioners were appointing people and going against the ordinance. Therefore, he said that they should change the Code to allow the flexibility to appoint qualified board members.

#### **MOTION**

**Commissioner Boles MOVED to place 2005-15 on first reading, read by title only and approved. The motion was SECONDED by Commissioner Crichlow.**

Mr. Wilson read the title as follows:

#### ORDINANCE NO. 2005-15

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTIONS 28-82 AND 28-83 OF THE CODE OF THE CITY OF ST. AUGUSTINE, FLORIDA, TO ADD A MINIMUM QUALIFICATION CRITERIA

TO MEMBERS OF THE HISTORIC ARCHITECTURAL REVIEW BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

**VOTE ON MOTION**

**AYES: Boles, Crichlow, Jones, Gardner**

**NAYES: Burk**

**MOTION CARRIED 4/1**

**11.C/ Ordinances - First Reading - Public Hearing Required**

(None Scheduled)

**11.D/ Ordinances - Second Reading Public Hearing**

**11.D.1/ Public Hearing - Ordinance 2005-07, establishing the Coquina Shores Planned Unit Development (PUD) zoning designation relative to property located at 36 May Street.**

(Tabled)

**11.D.2/ Public Hearing - Ordinance 2005-08, amending the Code relating to Wastewater Pretreatment.**

Robert Leetch, Director of Utilities, stated that it was the second reading of the ordinance that modified regulations according to the state.

Mayor Gardner opened the public hearing; however, there was no response.

**MOTION**

**Commissioner Burk MOVED to place Ordinance 2005-08 on second reading, read by title only and approved. Commissioner Jones SECONDED the motion.**

Mr. Wilson read the title as follows:

**ORDINANCE NO. 2005-08**

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING SECTION 26-3, SECTION 26-76, SECTION 26-79 AND SECTION 26-96 OF THE CODE OF THE CITY OF ST. AUGUSTINE RELATING TO WASTEWATER PRETREATMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE

**MOTION WAS APPROVED BY UNANIMOUS VOICE VOTE.**

**12. A/ General Public Comments (5 minutes per individual).**

Mayor Gardner introduced Richard Prosser of Prosser Hallock who had taken on the onerous task of reviewing the City Zoning Code.

Mr. Prosser stated that it was a complicated matter, but he looked forward to working with the Commission and staff. He assured the Commissioners that there plenty of options for controlling planning in the community.

**12.B/ GENERAL PUBLIC PRESENTATIONS AND COMMENTS (15 minutes per presentations)**

(None Scheduled)

**13. Adjournment**

There being no further business, the meeting was adjourned 8:14 p.m. <sup>4</sup>

<sup>4</sup>Transcribed by Karen Rogers, Recording Secretary

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MAYOR

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CITY CLERK